

EXHIBIT B

Confidential - Per 2004 MDL 1358 Order

Page 365

VOLUME II
IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary :MDL NO. 1358 (SAS)
Butyl Ether ("MTBE") :
Products Liability :
Litigation :

In Re: City of New York

CONFIDENTIAL (Per 2004 MDL 1358 Order)

April 14, 2009

Continued CONFIDENTIAL
Videotaped Deposition of DONALD K.
COHEN, CPG, held in the law offices of
McDermott, Will & Emery, 340 Madison
Avenue in New York, New York, beginning
at approximately 9:17 a.m., before Ann
V. Kaufmann, a Registered Professional
Reporter, Certified Realtime Reporter,
Approved Reporter of the U.S. District
Court, and a Notary Public.

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

1 MTBE in there and the well screens go
2 down to those depths, so that's the
3 evidence that I think answers your
4 question.

5 Q. Does that indicate that
6 it's from the -- that the contamination
7 is entering the well at the bottom of
8 the screen or arguably at the middle of
9 the screen or the top of the screen?

10 A. From the information that
11 we have, I couldn't say that, no.

12 Q. Okay. So there's no
13 empirical evidence that the
14 contamination is entering the well at
15 the bottom of the well screen; is that
16 correct?

17 A. There's no evidence either
18 way for that, no.

19 Q. Yesterday with Mr. Stack
20 you explained a timeline for the start
21 of Station 6 and you went through a
22 series of steps and I don't recall what
23 those steps were. He gave you a start-
24 up date, I think it was 2017. Could you

1 give me that timeline again, please?

2 A. Yes, I will try to repeat
3 that. Right now there is money in the
4 New York City DEP's capital budgeting
5 plan to restart the design of Station 6
6 in the year, fiscal year 2012.

7 The design activities are
8 intended to take approximately one year,
9 and then the bid and award of contract
10 for construction would take another year
11 after that. So we've now gone from '012
12 to '13 to '14 with a four-year
13 construction schedule for Station 6 that
14 would go, what did I just say, from '14
15 to actually more like 2018 for the
16 start-up.

17 The -- in previous
18 depositions we were talking about
19 restarting the design in 2011. It has
20 since that time been moved into 2012.
21 So previously you will have heard
22 testimony from me talking about start-up
23 in 2017. Now it would be more like
24 2018.